

**DRAFT: REVISED 08/15/11**

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(~~Strikeout~~ indicates deletion)

**ORDINANCE NO. \_\_\_\_\_ (NEW SERIES)**

**AN ORDINANCE AMENDING THE SAN DIEGO COUNTY ZONING ORDINANCE PROVISIONS  
RELATING TO WIRELESS TELECOMMUNICATIONS FACILITIES**

**The Board of Supervisors of the County of San Diego ordains as follows:**

**Section 1.** The Board of Supervisors finds and determines that provisions in the Zoning Ordinance related to wireless telecommunications facilities should be amended to streamline the permitting process and to revise and clarify existing regulations while promoting the public health, safety and welfare of the residents of the unincorporated areas of San Diego County and preserving the character and protecting the aesthetic quality of our communities.

**Section 2.** Section 1110, Definitions (G), "Grade" of the Zoning Ordinance is amended to read as follows:

Grade: For the purpose of determining building or structure height and calculating the number of stories, grade is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building or structure and the property line, or when the property line is more than five feet from the building or structure, the area between the building and a line five feet from the building or structure.

**Section 3.** Section 6980 of the Zoning Ordinance is amended to read as follows:

6980                    WIRELESS TELECOMMUNICATIONS FACILITIES  
Sections 6980 through 6991 constitute the Wireless Telecommunications Facilities regulations.

**Section 4.** Section 6981 of the Zoning Ordinance is repealed:

~~6981                    CONFLICT RESOLUTION  
Sections 6980 — 6991 are intended to be supplemental to the Zoning Ordinance. In case of conflict between the provisions represented in these sections and the provisions set forth in the Zoning Ordinance, the provisions of these sections shall apply.~~

**Section 5.** Section 6982 of the Zoning Ordinance is amended to read as follows:

6982                    PURPOSE  
The ~~purpose and intent~~ provisions of this ~~Sections 6980 through 6991~~ isare intended to provide a uniform and comprehensive set of standards for ~~the developmenting~~, siting and installation ing of wireless telecommunications facilities. These regulations are intended to protect and promote the public health, safety and welfare of the residents of the unincorporated areas of San Diego County and to preserve community character and protect aesthetic quality in accordance with the guidelines and intent of the Telecommunications Act of 1996 and to encourage siting of these

uses in preferred locations to minimize aesthetic impacts and to minimize the intrusion of these uses into residential areas.

**Section 6.** Section 6983 of the Zoning Ordinance is amended to read as follows:

6983           DEFINITIONS

For the purpose of the Wireless Telecommunications Facilities regulations ~~contained in Sections 6980 through 6991~~, certain abbreviations, terms and words shall be used, interpreted and defined as set forth in this Section. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense, and words used in the plural ~~indicate the singular~~ include the plural.

A. ~~Administrative Site Plan~~—A Site Plan, pursuant to Sections 7150 through 7174 of this Ordinance, that does not require community review except as noted in Section 6987 A of this Ordinance.

~~Antenna~~—: Any system of wires, poles, rods, reflecting discs or similar devices designed for telephonic, radio, facsimile, data or television communications through sending and/or receiving of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include, but not be limited to, devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom that may be mounted up and rotated through a vertical mast or tower interconnecting the boom and antenna support, all of which elements are deemed to be part of the antenna. One or more rods, poles, panels, discs, dishes or similar devices used to transmit and/or receive radio frequency signals or electromagnetic signals, including but not limited to omni-directional antennas (whip), directional antennas (panel), and parabolic antennas (dish), but excluding any support structure.

~~Antenna Height~~—The vertical distance measured from the ground surface at grade to the tip of the highest point of the proposed structure.

~~Antenna Support~~—Any pole, telescoping mast, tower tripod or any other structure that supports a device used in the transmitting and/or receiving of electromagnetic waves.

~~Applicant~~—A person who applies for a wireless facility siting. An applicant can be the owner of the property or someone who is representing the owner, such as a builder, developer, optional purchaser, lessor, consultant or architect.

G. ~~Camouflaged Facility~~—: Any telecommunications facility that is designed to blend into the surrounding environment. Examples of a camouflaged facilities may include a architecturally screened roof-mounted antennas that is architecturally screened, a building-mounted antennas painted to match the existing structure, an antennas integrated into architectural elements, a towers support structure made to look like a trees, a windmill or a water tank and an antenna structures designed to look like a light poles or utility pole. Camouflaged facilities may be considered low or high visibility depending on the type of facility, height of the facility, degree of camouflaging and compatibility with the surrounding existing environment (see definitions of low and high visibility).

~~Co-location~~—: Locating wireless telecommunications equipment facilities from more than one service provider on a single site.

~~Commercial Zones=~~: ~~are defined as consisting of the following zones: C32, C34, C35, C36, C37, C38, C40, C42, and C44, and also S88 when the proposed site is in a commercial component of a Specific Plan.~~

Community Character=: Those unique attributes including, but not limited to, architecture, historical and cultural features, historical development patterns, landscape, hardscape and the size, scale and spacing of buildings and other structures or elements that define a community's identity.

~~E. Equipment Building, Shelter or Cabinet=~~ A cabinet or building used to house equipment used by telecommunication providers at a facility.

Equipment Enclosure: A freestanding or mounted structure, shelter, cabinet or vault used to house and protect the electronic and supporting equipment necessary for processing communication signals. Supporting equipment includes, but is not limited to, air conditioners, emergency generators and other back-up power supplies.

~~F. Façade Mounted Antenna=~~: An antenna architecturally integrated into the façade of a building or structure.

Facility=: See Wireless Telecommunications Facility.

Facility Height: The vertical distance measured from the ground surface at grade to the tip of the highest point of the proposed support structure or antenna, whichever is greater.

~~Faux Trees=~~: ~~A term used to refer to Mmonopalms, Mmonopines, monobroadleaf and/or other camouflaged monopoles made to resemble different types of a trees or other vegetation.~~

~~G. Grade=~~ The lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the structure and the property line or, when the property line is more than 5 feet from the structure, between the structure and a line 5 feet from the structure.

~~Guyed Tower=~~: A telecommunications tower that is supported, in whole or in part, by guy wires and ground anchors.

~~H. High Visibility Facility=~~: ~~The following shall be considered High Visibility facilities: A monopole, lattice tower or guyed tower, faux tree, non-camouflaged facility, or any wireless facility that does not meet the definition of a non-visible, limited visibility or low visibility facility.~~

1) ~~Monopoles, lattice towers and guyed towers~~

2) ~~Non-camouflaged facilities~~

3) ~~Faux Trees~~

4) ~~Any and all wireless facilities not defined as invisible or low visibility.~~

High Voltage Transmission Tower – a tower carrying transmission lines of at least 132 kilovolts.

- ~~I. Industrial zones~~ are defined as consisting of the following zones: M50, M52, M54, M56, M58, and also S88 when the proposed site is in an industrial component of a Specific Plan.

~~Invisible~~ Facilities, including, but not limited to towers, antennas and equipment cabinets and any other ancillary equipment, that cannot be seen from any street and from all adjacent properties and that do not result in any apparent architectural changes or additions, including Community Identification Signs when the antennas are fully integrated into the sign. The addition of landscaping, walls, fences or grading as screening techniques does not meet the definition of invisible.

- ~~L. Lattice Tower~~ A guyed or self-supporting three or four sided, open, steel frame support structure used to support telecommunications equipment.

Limited Visibility Facility: The following facilities, if they do not exceed the height schedule pursuant to Sections 4610 - 4620 of this Ordinance:

- a. A facility located on a CALTRANS structure, a streetlight or pole in the public right-of-way or a light standard in a park and ride facility, when all the following are met:

1. The total height of the structure and any antennas or equipment does not exceed the height limit of the applicable zone,
2. The antennas do not project more than five feet above the structure and are painted to match the structure or pole,
3. No more than a total of three antennas per service provider are located on a site,
4. The equipment cabinet is no larger than six cubic feet,
5. The equipment cabinet is located underground or is otherwise concealed from public view through the use of screening.

Approval from the Department of Public Works and the Department of General Services is required for placement of a facility on any County-owned streetlights or poles.

- b. Façade mounted antennas integrated into the architecture of a structure so that no change to the architecture is apparent and no part of the facility can be seen from public view.

- c. Facilities not subject to the "B", "D", "H" or "J" Designators and are:

1. Hidden from public view through the use of architectural treatments (cupolas, etc.); and
2. Consistent with the existing building and community character.

- d. Antennas located on a high voltage transmission tower.

Low Visibility Facility: ~~†~~The following shall be considered Low Visibility facilities, if they do not exceed the height schedule pursuant to Sections 4610 - 4620 of this Ordinance:

4)a. A Whip antennas that meets all of the following criteria:

1. not exceeding a maximum of six feet in length or height, including mounting,
2. and measuring a maximum of no more than 3three inches in diameter,
3. located on an existing structures including, but not limited to, a water storage tanks, high-voltage transmission towers, utility towers, utilityand poles, street light pole, sign standards, andor roadway overpasses,
4. if the addition, including any vertical mounting, does not result in an increase inthe height of the structure ofby more than 5five feet, and
5. and withan equipment cabinetsenclosure that are:
  - a) is screened from view by means other than new walls or fencesor designed to conform to community character ,
  - b) and hases total dimensionsa maximum volume of no greater than 50 cubic feet, and
  - c) has no dimension greater than 6six feet.
6. Pole mounted antennas and pole mounted equipment enclosures shall be painted to match the existing pole.

Equipment Cabinets enclosures in underground vaults are not included insubject to the size calculationvolume and dimension criteria listed in a.5.b) above.

2)b. A Ppanel-shaped antennas that arethat meets all of the following criteria:

1. flush-mounted to an existing building façade or other existing structure on at least one edge of the antenna,
2. extends a maximum of 24 inches from the building façade or other structure at any edge,
3. does not exceed the height of the building or other structure by more than five (5) feet, and
4. areis designed to blend with the color and texture of the existing building or structure, and
5. withthe equipment cabinetsenclosure is screened visible.

3)c. A Facilitiesy, including equipment cabinetsenclosure, that areis camouflaged from public view through the use of architectural treatments, such as cupolas, faux water towers, windmills or other structures and which areis consistent with existing development and community character.

4)d. An additions to an existing permitted low-visibility facilitiesy if the additions themselvesitself meets the definition of low visibility and meets all of the following criteria:

1. ~~are~~ designed to minimize visibility of both the facility and equipment ~~cabinet enclosure.~~
2. ~~that~~ has a maximum total dimensions volume ~~no greater than of~~ 50 cubic feet,
3. ~~and~~ has no single dimension greater than ~~6~~ six feet, and
4. ~~are~~ screened from view ~~by means other than new walls and fences.~~

The volume and dimension criteria in d.2 and d.3 above do not apply if the equipment cabinet enclosure may be larger if contained is inside a structure consistent with the architecture and character of the site or is located in an underground vault.

- 5)e. ~~A~~ Changes to an existing building that ~~are~~ consistent with the building's architectural style, and the equipment ~~cabinet enclosure~~ is not visible.

M. ~~Monopalm~~ — a monopole camouflaged to resemble a palm tree.

~~Monopine~~ — a monopole camouflaged to resemble a pine tree.

Monopole—: A wireless communication facility consisting of a single pole constructed without guy wires and ground anchors.

Non-Visible Facility: A facility including, but not limited to support structures, antennas and equipment enclosures and any other ancillary equipment, that cannot be seen from any street or from any adjacent property and that does not result in any apparent architectural changes or additions, including Community Identification Signs, when the antenna is fully integrated into the sign.

P. ~~Panel Antenna~~—: An antenna or array of antennas designed to concentrate a radio signal in a particular area. Also called a directional antennas.

R. ~~Residential Zones~~—: ~~for purposes of this section, are defined as consisting of the following zones: RS, RD, RR, RM, RV, RU, RMH, RRO, RC, S80, S90, C30, C31, C46 and also S88 when the proposed site is in a residential component of a Specific Plan.~~

Regional Communication System (RCS): County maintained wireless network, managed by the Sheriff Department, which provides wireless coverage and data access for public agency and law enforcement databases.

Roof Mounted Antenna—: Any antenna with its support structure placed directly on the roof of any building or structure.

~~Rural Zones~~—: ~~are defined as consisting of the following zones; A70, A72 and S92.~~

S. ~~Service Area~~—: The area served by a single wireless telecommunications facility.

Service Network—: The telecommunications transmission system operated by a service provider in a community or jurisdiction.

Service Provider: A private sector entity that provides wireless telecommunication services to the general public, that provides support facilities to improve or enhance wireless service or that owns or operates a wireless telecommunications facility.

Support Structure: A mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support antennas or any existing structure on which antennas are placed. This definition shall include all devices and materials used to mount or attach an antenna to a pole, structure or tower.

~~Special Purpose Zones—: are defined as consisting of the following zones: S82, S86 and S94.~~

~~T.—Telecommunications—: The transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.~~

~~Telecommunications Tower—Any mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support antennas.~~

~~Tower—See Telecommunications Tower.~~

Water District Utility Site: A parcel containing facilities owned and operated by a water district including but not limited to above-ground water tanks, below-ground water reservoirs, and pump stations.

~~W.—Whip Antenna—: An antenna that transmits signals in 360 degrees. A ~~W~~whip antennas ~~are~~is typically cylindrical in shape and ~~are~~is less than ~~3~~three inches in diameter and measures up to ~~6~~six feet in length, including the mounting. Also called an omni-directional, stick or pipe antennas.~~

~~Wireless Community Master Plan—: a~~ A Master Plan of preferred sites and designs for wireless facilities for a defined geographic area that is prepared in cooperation with one or more wireless service providers; formally submitted by the community planning group or sponsor group or by a homeowners association representing at least 4,000 residents and at least 5,000 acres to the Director of Planning and Land Use; reviewed by the Director for such issues as aesthetics and community compatibility; and, following public review, approved by the Director. A Community Master Plan can be applicable apply to all providers or to selected providers as defined in the Plan.

~~Wireless Telecommunications Facility: —Any~~ An unstaffed facility that transmits and/or receives radio or electromagnetic waves, including, but not limited to, communication signals for cellular phone, personal communication services (PCS), pagers, wireless internet (WiFi), wireless systems, specialized mobile radio services (SMR), enhanced specialized mobile radio services (ESMR), and/or similar services that currently exist or that may be developed in the future. The facility may include one or more antennas, repeaters, radio transmitters, cables, accessory equipment, dish antennas and other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting said equipment, equipment buildings enclosures, air vents, support structures, air conditioning units, fans, fire suppression systems, emergency back-up generators or other back-up power sources, parking area and other accessory development. Also known as a wireless communications facility. This definition does not apply to Amateur Radio Stations as defined by the Federal Communications Commission, in Part 97 of the Commission's Rules nor to TV and radio transmission facilities.

**Section 7.** Section 6984 of the Zoning Ordinance is amended to read as follows:

6984 APPLICATION REQUIREMENTS

In addition to meeting the standard application submittal requirements for a discretionary permits, all applicants for permits for wireless telecommunications facilities shall provide 3 copies all of the information listed below. One copy shall be distributed by the Department to the appropriate Planning or Sponsor Group. When a facility meets all requirements for processing under Tier 1, the requirements of Sections B and C 1 shall not be required. The Director of the Department of Planning and Land Use may waive any of the submittal requirements listed below or require additional information based upon specific project factors. Additional information not listed below may be required on a case-by-case basis.

Aa. ~~Geographic Service Area.~~ Identify the geographic ~~service area~~ for that the subject installation, including a map showing all the applicant's proposed wireless telecommunication facility would serve and show all existing wireless telecommunication facility sites in the local service network of the provider associated with the gap the facility is meant to close. ~~Describe how this service area fits into and is necessary for the company's service network.~~

Bb. ~~Visual Impact Analysis Simulations.~~ A visual impact analysis Provide visual simulations shall be provided showing the maximum silhouette, viewshed analysis, color and finish palette proposed design of the antenna(s), support structure, associated equipment, equipment enclosure and the color, materials and proposed screening. The analysis shall include pPhoto simulations and other information as necessary to determine visual impact of the facility shall be prepared showing the proposed facility as viewed from public vantage points such as major roadways. Include aA map depicting where the photos were taken and the views being represented shall be included. A minimum of three views shall be provided, however additional visual simulations may be required for projects where visibility of the proposed antenna(s), support structure and/or equipment enclosure may affect neighboring property owners or the public.

C. ~~Narrative.~~

1. ~~Height.~~ Show the height of the facility on the plans. Carriers must provide evidence that establishes that the proposed facilities have been designed to the minimum height required from a technological standpoint for the proposed site. ~~If the tower will exceed the maximum permitted height limit, as measured from grade, a discussion of the physical constraints (topographical features, etc.) making the additional height necessary shall be required. For a facility designed to exceed the height limitation allowed under the existing height designator of the zone, the applicant shall submit a map showing the signal coverage at the height limitation of the zone and a map showing the signal coverage at the proposed height. Exceptions to the height limitations may be approved pursuant to Section 4620 g as part of a Major Use Permit application. For facilities not subject to a Major Use Permit, exceptions to the height limitations shall be subject to approval of a Minor Use Permit, as required by Section 4622 j of this ordinance.~~

2. ~~Maintenance.~~ Describe the anticipated maintenance and monitoring program for the antennas, ~~back-up~~ equipment and landscaping. Include details about the frequency of maintenance visits, operation of sound-generating equipment required for routine upkeep and identification of the water source to be used to establish and maintain any required landscaping.



3. \_\_\_\_\_
- e. \_\_\_\_\_ Noise/Acoustical Information. ~~As part of the Application for Environment Initial Study,~~ Provide the manufacturer's noise or sound specifications for all equipment, including but not limited to data transmitting devices, such as air conditioning units and back-up generators, and a depiction of the equipment location in relation to adjoining properties.
4. \_\_\_\_\_
- f. \_\_\_\_\_ Non-Preferred Site. If the site is not a preferred site as described in Section 6986, provide the information required in Section 6986 ~~Bb~~.
5. \_\_\_\_\_
- g. \_\_\_\_\_ Concept Landscape Plan. Provide a plan showing all proposed landscaping, screening and ~~proposed~~ irrigation with a discussion of how the chosen material at maturity will screen the site. If a water district will provide the water, a Service Availability Letter is required from the appropriate water district.
6. \_\_\_\_\_
- h. \_\_\_\_\_ Fire Service. ~~Provide evidence of information on the project plans to demonstrate that the proposed wireless facility is designed in compliance with County Fire Policy FP-2 or provide a sService Availability lLetter from the applicable fire district.~~
7. \_\_\_\_\_
- i. \_\_\_\_\_ Hazardous Materials. Provide a Listing of all hazardous materials, as defined by the Department of Environmental Health, to be used on the site during construction or operation of the wireless facility.
8. \_\_\_\_\_
- j. \_\_\_\_\_ Parking. Adequate off-street parking must be available to accommodate maintenance and construction vehicles for a proposed wireless telecommunications facility. For a facility located in the public right-of-way or a private road easement, construction and maintenance vehicles servicing the facility may not park on the traveled way or in a manner that would obstruct traffic. For all applications for facilities located in the public right of way, include on the plot plan Identify the location of parking for maintenance personnel on the plot plan.
9. \_\_\_\_\_
- k. \_\_\_\_\_ Co-Location. ~~A letter~~ Add a note on the plans which clearly states the applicant's willingness to allow other carriers to co-locate on their applicant's facilities wherever technically and economically feasible and aesthetically desirable.
10. \_\_\_\_\_
- l. \_\_\_\_\_ Lease Area. The lease area of the proposed facility shall be shown on the plot plan.
11. \_\_\_\_\_
- m. \_\_\_\_\_ Less than 1200 MHz. For all applications for wireless facilities operating below 1200 megahertz, submit a copy of the Federal Communications Commission Licensing Application Form 601, Main Form, Pages 1 through 4; Schedule A, Page 1; Schedule D, Page 1; and Schedule H, Pages 1 through 3. The application shall be reviewed by the Sheriff's Wireless Services Unit to determine potential interference with the Regional Communication System. Interference with that system may be grounds for denial.

**Section 8.** Section 6985 of the Zoning Ordinance is amended to read as follows:

All wireless telecommunications facilities shall comply with the applicable permit process listed in the table in subsection a. below and the general regulations found in subsection c. below, unless an exception pursuant to subsection b. below applies. Although a tier may be assigned at project intake, a re-evaluation of the project tier may occur at any point in the process, including, but not limited to, review by the Planner, Environmental Analyst or Hearing Officer.

A. ~~Applications will be processed based upon the following 4-tier permitting system, subject to the exceptions and general regulations found in Sections 6985 B and C:~~

#### **TIER 1 — ADMINISTRATIVE SITE PLAN**

~~Facilities meeting any of the following criteria shall be processed as an ADMINISTRATIVE SITE PLAN:~~

##### **Industrial and Commercial Zones**

- ~~• Invisible facilities~~
- ~~• Facilities on:~~
  - ~~-CALTRANS structures, “cobra-style” streetlights and poles in the public right of way, or an existing park and ride light standard, when they meet all the following:~~
    - ~~\_\_\_\_\_ The antennas do not project more than 24 inches above the structure,~~
    - ~~\_\_\_\_\_ No more than a total of two antennas are located on a site~~
    - ~~\_\_\_\_\_ The equipment cabinet is no larger than 6 cubic feet.~~
    - ~~\_\_\_\_\_ The equipment cabinet is concealed from public view through the use of undergrounding or screening by means other than walls or fences.~~
- ~~• Façade mounted antennas integrated into the architecture in such a manner that no change to the architecture is apparent and no part of the facility can be seen from public view.~~
- ~~• Facilities not subject to the “B”, “D”, “H” or “J” Designators and are:~~
  - ~~-Hidden from public view through the use of architectural treatments (cupolas, etc.); and~~
  - ~~-Consistent with the existing building and community character.~~

##### **Any Zone**

- ~~• Antennas located on high voltage transmission towers if they increase the bulk and scale of the structure by less than 5 percent.~~

#### **TIER 2 — SITE PLAN WITH COMMUNITY REVIEW**

~~Facilities meeting any of the following criteria shall be processed as a SITE PLAN WITH~~

**COMMUNITY REVIEW:**

**Commercial, Industrial and Special Purpose Zones**

- ~~Low visibility facilities.~~

**All Zones**

- ~~Facilities covered by a Wireless Community Master Plan when the design and siting are consistent with the plan.~~

**TIER 3 — MINOR USE PERMIT**

~~Facilities meeting any of the following criteria shall be processed as a MINOR USE PERMIT:~~

~~All facilities other than those meeting the criteria of Tiers 1,2, or 4.~~

**TIER 4 — MAJOR USE PERMIT**

**Facilities meeting the following criteria shall be processed as a MAJOR USE PERMIT:**

- ~~Non-camouflaged towers greater than 60 feet, or 15 feet above the maximum allowed height limit in the zone, whichever is lower, shall require a Major Use Permit in all zones (except where they are prohibited).~~
- ~~All facilities in Residential and Rural zones except as specified in Tiers 1 and 2.~~

a. Permit Processing:

**TABLE A**

**Wireless Telecommunication Facility Permit Processing Matrix**

(Part of Section 6985)

| Type of Facility <sup>1</sup>   | ZONE                          |  |                      |                        |
|---|-------------------------------|--|----------------------|------------------------|
|   | Industrial or Commercial Zone | Industrial or Commercial Zone w/ B, D, H or J Regs | Special Purpose Zone | Rural/Residential Zone |
| Any facility exceeding height limitation of the zone  | <u>m</u>                      | <u>m</u>   | <u>m</u>             | M                      |
| Non-Visible   | •                             | S  | S                    | S                      |
| Limited Visibility  | •                             | S  | S                    | S                      |
| Low Visibility  | S                             | S  | S                    | M                      |
| Wireless Community Master Plan  | S                             | S  | S                    | S                      |
| High Visibility   | <u>m</u>                      | <u>m</u>   | <u>m</u>             | M                      |
| High Visibility facility greater than 60 ft, or 15 ft or more above max allowed height of the zone <sup>2</sup> | M                             | M  | M                    | M                      |

**LEGEND:**

• Permitted with Building Permit  
**S** Permitted by Site Plan Permit  
 (unless a waiver is allowed pursuant to subsection c.7)

m Permitted by Minor Use Permit  
**M** Permitted by Major Use Permit  
<sup>1</sup> see 6983 for Definitions  
<sup>2</sup> except where prohibited

**Bb. Exceptions**

- In addition to all other requirements in Sections 6980 through 6991, ~~any proposed facility that would be located on a structure currently subject to a Major or Minor Use Permit shall obtain approval of the facility through the a~~ modification of the permit in accordance with Section 7378 of this Ordinance ~~for a Use Permit or by a~~ Minor Deviation in accordance with Section 7609 of this Ordinance when the facility ~~is invisible~~ would not be visible from surrounding properties.
- ~~Major Use Permits for Wireless Telecommunications Facilities shall be under the original jurisdiction of the Planning Commission. A facility that is part of the Regional Communication System (or similar system) used by law enforcement, fire~~

protection services or other public safety agencies is exempt from the Wireless Telecommunication Facility provisions.

3. Temporary Emergency Facilities:

In the event of a local emergency or natural disaster (e.g., wildland fire, earthquake, etc.), temporary emergency facilities may be allowed with a Building Permit. Temporary facilities may include cell on wheels (COW) or a removable utility pole. A letter from the wireless service provider describing the damage to an existing facility shall be submitted with the application for the building permit. A temporary emergency wireless facility may be approved for up to six months. One six month extension of the permit may be granted by the Director. Temporary emergency facilities that are placed on County-owned property (with the exception of airports and the public right-of-way) are subject to review and approval by the Director of General Services. The temporary facility shall be removed when the damaged facility has been repaired or replaced or when the temporary permit expires, whichever occurs first.

4. Temporary Relocation of Existing Facilities:

The Director may authorize the temporary relocation of an existing permitted wireless telecommunication facility upon the request of the applicant and upon submittal of written authorization from the property owner. Temporary relocation may be allowed to accommodate scheduled maintenance of structures upon which an approved wireless telecommunication facility is mounted, including water district facilities, etc. The following requirements apply to temporary relocations:

- a) Temporary facilities may include cell on wheels (COW) or removable utility pole.
- b) Temporary relocation is allowed for up to six months in a single three year time period. However, a longer time may be authorized by the Director (on a case-by-case basis), if clear evidence is provided which justifies a longer time.
- c) The service provider or its representative shall submit a letter of request to the Department of Planning and Land Use and the affected water district or owner of the affected structure or property documenting:
  - i. The scheduled period of temporary relocation;
  - ii. The date of removal and date of re-installation of the wireless facility in its original permitted location;
  - iii. Description of the proposed design and/or equipment that will be used temporarily (including color, height, generators, operation specifications, etc); and
  - iv. The location of the temporary equipment and facility (aerial photograph and plot plan of location).
- d) The Director will issue a Letter of Authorization to temporarily relocate the wireless telecommunications facility and indicating the length of time allowed for the relocation. The Letter of Authorization shall be provided to the service provider and the property owner.

- e) The service provider or its representative shall provide security in the form and amount determined by the Director to cover the County's cost to remove the temporary facility if the service provider fails to do so. The security shall be provided to DPLU prior to building permit issuance for the temporary relocation of the facility.
- f) The applicant shall re-install the facilities in the permitted location as described or shown in the valid permit within the time specified by the Letter of Authorization. Once the temporary facility has been removed and the facility reinstalled in its original approved location, to the satisfaction of the Director, the security may be released to the service provider or its representative.
- g) Failure to re-install the facilities consistent with the original permit constitutes a violation of this Ordinance.

#### Ec. General Regulations

1. Non-camouflaged monopoles, lattice towers and guyed towers are prohibited in Residential and Rural zones. However, a non-camouflaged monopole may be allowed in these zones if: the property is a water district utility site, improved with an above ground water tank; the Director and the affected water district determine that it is preferable to avoid mounting antennas directly on a tank; and the proposed pole is located close to the existing tank or other vertical elements so that the monopole visually blends into the surrounding area.
2. ~~All buildings and structures built to contain~~ No equipment enclosure accessory to a facility may not exceed 4012 feet in height measured from the base of the foundation unless a greater height is necessary to maximize architectural integration and shall be screened by landscaping.
3. ~~No more than three facilities are allowed on any site or parcel in commercial, industrial, rural or special purpose zones. No more than one wireless facility is allowed on any parcel or site in a Residential zone. This requirement may be waived by the Director~~ may waive this limitation if a finding is made that co-location of more facilities is consistent with community character. he or she makes one of the following findings:
  - a) A co-location of two or more facilities is consistent with community character; or
  - b) The parcel is a water district utility site and all proposed wireless telecommunication facilities will not exceed the standards of the County Noise Ordinance.
4. ~~A wireless Telecommunications facility towers support structure~~ A wireless Telecommunications facility tower support structure located adjacent to a lot which allows a residential use shall be set back from the nearest ~~residential common lot line~~ lot line by a distance ~~at least equal to its the total facility height or 50 feet, whichever is greater.~~ at least equal to the total facility height or 50 feet, whichever is greater. The setback shall be measured from that part of the ~~tower support structure~~ tower support structure that is closest to the neighboring ~~property lot~~ property lot (i.e., the setback for a faux tree would be measured from the end of the branch closest to the neighboring ~~property lot~~ property lot). This setback requirement is not applicable to facilities located in the public right-of-way. The Director may grant a waiver of this requirement if:

- a). The facility is placed on water district utility site, or
- b.) The owners of the adjacent residential lots with the common property line within 50 feet of the proposed facility provide a letter of consent stating that they do not object to a lesser setback.

A waiver shall not allow placement of any antenna, support structure, equipment or equipment enclosure within a required front, rear or side yard setback.

5. No ~~tower~~ antenna, support structure or equipment enclosure shall be located in a front, rear or side yard setback in any zone and no portion of any antenna array shall extend beyond the any property lines.
6. Noise from any equipment supporting ~~the~~ a wireless facility shall meet the requirements of the County's Noise Ordinance on an average hourly basis.
7. The Director of Planning and Land Use may waive the requirements for processing a Site Plan permit pursuant to Section 7156 of this Ordinance if he or she finds that all of the purposes and requirements of the Site Plan have been or will be fulfilled by another discretionary permit, or ~~where the Director finds that~~ the proposed development or improvement is minor in nature and that the public purpose for which the Site Plan would normally be required will not be harmed by waiving of said the requirement for a Site Plan. The Director's decisions may be appealed pursuant to Section 7200 of the Zoning this Ordinance.
8. All wireless facilities located on a utility pole shall be promptly removed at the ~~operator's~~ service provider's expense at the ~~time when~~ the utility is scheduled to be undergrounded.
9. Maintenance vehicles servicing wireless facilities located in the public or private right of way shall not park on the traveled way or in a manner that would obstruct traffic.
10. Equipment ~~cabinets~~ enclosures and antenna structures shall be secured to ~~disallow~~ discourage unauthorized access.
11. Use Permits for high visibility facilities shall have a maximum term of ~~6~~ six years for facilities valued at less than \$10,000; 10 years for facilities valued from \$10,000 to \$500,000; and 15 years for facilities valued at more than \$500,000 ~~or more~~. This period may be extended for an additional period of time by modifying the permit if it is found that no smaller or less visible technology is available or feasible to replace the facility.
12. ~~As a condition of approval, p~~ Prior to use of the wireless facility, the applicant shall submit evidence to the Department of Planning and Land Use, such as photos, to the satisfaction of the Director of Planning and Land Use to show proof to the Director's satisfaction that the facility as constructed is in conformance with to the photo simulations provided pursuant to Section 6984 (B)b of this Ordinance. This requirement shall be included as a condition of approval for the project.
13. A wireless facility that is located on a site that is subject to an Airport Land Use Compatibility Plan (ALUCP) shall comply with the requirements of the plan and any requirements of the Federal Aviation Administration.

**Section 9.** Section 6986 of the Zoning Ordinance is amended to read as follows:

6986

**PREFERRED SITES**

**Aa.** The County has determined that certain zones and locations are preferable to others for siting wireless facilities due to aesthetics and land use compatibility.

1. The preferred zones are as follows:

- a) Commercial, Industrial, S82, S86, S94, and S88 when the wireless facility would be located in a commercial or industrial component of the Specific Plan.
- b) Upon approval by the Director of a wireless community master plan, the preferred zones for the area covered by the master plan shall be replaced by the locations shown in that master plan for the provider or providers covered by the master plan.

| PREFERRED ZONES   | NON-PREFERRED ZONES |
|---|---------------------|
| <del>(a.) C32, C34, C35, C36, C37, C38, C40, C42, C44, M50, M52, M54, M56, M58, S82, S86, S94, and S88 when the facility would be located in a commercial or industrial component of the Specific Plan.</del>   | All other zones     |
| <del>(b.) Upon approval by the Director of Planning and Land Use of a Wireless Community Master Plan, the Preferred Zones for that defined geographic area shall be replaced by the locations shown in that Plan for the provider or providers covered by the plan.</del> |                     |

2. The preferred locations are as follows:

- a) Existing structures, including but not limited to structures on a water district utility site, utility towers and utility poles, street light poles and roadway overpasses when the size and scale of the wireless facilities and existing structures are compatible.
- b) Commercial and industrial buildings.
- c) County-owned or other government facilities (e.g., fire district buildings, freeway “park and ride” lots).
- d) County parks.
- e) Co-location of facilities in a zone other than a Residential zone.
- f) Cemeteries.



- g) Upon approval by the Director of a wireless community master plan, the preferred locations for the area covered by the master plan shall be the locations shown in that master plan for the provider or providers covered by the master plan.

| PREFERRED LOCATIONS   | NON-PREFERRED LOCATIONS     |
|---|-----------------------------|
| <p>(a.) (1) Existing structures, including, but not limited to, water tanks, utility towers and poles, traffic lights, "cobra-style" street lights, and roadway overpasses in non-residential zones when the size and scale are compatible.</p> <p>(2) Commercial and industrial buildings.</p> <p>(3) County or other government facilities (e.g., fire district buildings, road stations, freeway park and ride lots), excluding Elementary and Middle schools and County parks.</p> <p>(4) Co-location in zones other than residential to a total of three (3) towers each.</p> <p>(b.) <u>Upon approval by the Director of Planning and Land Use of a Wireless Community Master Plan, the Preferred Locations for that defined geographic area shall be replaced by the locations shown in that plan for the provider or providers covered by the plan.</u></p> | <p>All other locations.</p> |

- Bb. Each application shall identify the preferred zone and preferred location preference that applies to the proposed facility is meeting. If the proposed facility is not in a preferred zone identified in 6986-A subsection a.(1) above or if it is not in a preferred location identified in 6986-A subsection a.(2) above, the applicant shall provide a map of the geographical area and a discussion of preferred sites that could potentially serve the same area as the proposed site and describe why each preferred site ~~was~~ not technologically or legally feasible. Facilities proposed to be located in County parks are excluded from this requirement when the Director of the Department of Parks and Recreation has issued a letter of concurrence.
- Gc. Projects in a non-preferred zone or non-preferred location A wireless facility that is proposed to be located at a site that is not in a preferred zone or not at a preferred location as described above shall not be approved when siting if it is feasible to locate the wireless facility in a preferred zone or at a preferred location while achieving an equivalent coverage footprint is feasible(see subsection b above) unless a finding is made that the proposed site is preferable due to aesthetics and compatibility with community character compatibility.

**Section 10.** Section 6987 of the Zoning Ordinance is amended to read as follows:

- ~~Aa.~~ All ~~applications~~ wireless telecommunications facility proposed at a sites subject to a “H”, “J”, “B” or “D” design review designator shall also meet all requirements ~~pursuant to of~~ Zoning Ordinance ~~S~~sections 5700 – 5747 for “H” designators, 5749 for “J” designators, 5750 – 5799 for “B” designators or 5900 – 5910 for “D” designators.
- Bb. ~~To the maximum extent practicable, All camouflaged a wireless facilitiesy~~ shall be designed to ~~visually minimize its visual impact and to operationally blend intewith~~ the surrounding area in a manner consistent with community character and existing development. The project design may include screening, landscaping with native species, suitable placement, or other camouflage methods that integrate the proposed facility with existing architectural elements, building materials and other site characteristics. The facility shall ~~also be~~ appropriate for the specific site (i.e., it should not “stand out” from its surrounding environment, such as a faux tree standing alone in a field or ~~standing at a greater height being significantly taller~~ (five feet or more) than other trees on the site).
- Gc. No wireless facility shall be allowed on any building or structure, or in any district, that is listed or eligible for listing on any Federal, State or local historical register unless ~~it is determined by the Historic Site Board~~ determines that the facility will have no adverse effect on the appearance of the building or structure or its eligibility for historic designation. No change in architecture ~~nor and no Hhigh Vvisibility facility is permitted~~ shall be allowed on any such building, or on any such site or in any such district.
- ~~Dd.~~ ~~In cases where~~ If the proposed facility site ~~is would be~~ visible from a Scenic Highway, as identified in the General Plan, the facility shall be designed and located ~~in such a manner as to avoid adverse visual impacts. Such locations~~ The proposed facility shall use incorporate design methods such as, ~~but not limited to,~~ type of facility, camouflaging, screening and landscaping. No non-camouflaged monopoles, lattice towers or guyed towers are ~~permitted~~ allowed at these locations.
- Ee. Façade-mounted antennas shall be architecturally integrated into the building design and otherwise made as unobtrusive as possible. If possible, antennas should be located entirely within an existing or newly created architectural feature so as to be completely screened from view. Façade-mounted antennas shall not extend more than 24 inches out from the building face.
- F. All facilities shall be designed to minimize the visual impact to the greatest extent feasible by means of placement, screening, landscaping with native species, whenever feasible, and camouflage, and to be compatible with existing architectural elements, building materials and other site characteristics. ~~The applicant shall use the least visible antennas possible to accomplish the coverage objectives.~~
- Gf. Colors and materials for a wireless facilitiesy shall be non-reflective and ~~chosen to~~ shall minimize visibility. Facilities, including support structures and equipment ~~and buildings enclosures~~, shall be painted or textured using colors to match or blend with the primary background color. All ~~cabinet~~ equipment enclosures visible accessible to the public shall be treated with a graffiti-resistant coating.
- Hg. Beacon lights shall not be included ~~in the design of on a wireless facilitiesy~~ unless required by the Federal Aviation Administration and, when required, shall be included ~~when in~~ calculating the height of the facility.
- th. No ~~Hhigh Vvisibility~~ facility, including ancillary support equipment, may be located between the face of a building and a public street, bikeway, trail or park.

- Ji. No signs, striping, graphics or other attention getting devices are ~~permitted~~allowed on the ~~transmission tower support structure~~ or ancillary facilities except for warning and safety signage with a surface area of no more than three square feet. ~~Such~~The signage shall be affixed to a fence or ancillary facility and ~~the number of signs is limited to no more than two~~ only two signs are allowed for each wireless facility unless a greater number is required by law.
- Kj. All high visibility facilities ~~shall be sited in such a manner as~~located to cause the least detriment to the viewshed of adjoining properties.
- Lk. ~~A~~ Roof mounted antennas shall be ~~constructed at~~ the minimum height possible to serve the operator's service area, and shall be set back ~~as far~~ from the edge of the building as far as possible and shall be painted to match the color of the building or otherwise screened to minimize ~~their~~its visibility.
- Ml. No net loss in required parking spaces shall occur as a result of the installation of any wireless telecommunications facility.
- Nm. ~~Cabinets and other~~ Equipment and equipment enclosures shall not impair pedestrian use of sidewalks or other pedestrian pathways, nor inhibit equestrian activities on designated public or private trail systems and shall be screened from the sidewalk by landscaping, undergrounding or other means, ~~excluding new walls and fences~~.
- On. ~~In cases where~~ If the wireless facility site is ~~would be~~ visible from a County park or is proposed to be located in a County ~~P~~park, the facility shall be designed and located ~~in such a manner as to avoid adverse visual impacts. Such locations~~ The wireless facility shall use incorporate design methods, such as, but not limited to, type of facility, camouflaging, screening and landscaping. No non-camouflaged monopoles, lattice towers or guyed towers are permitted allowed in a County park.
- Po. The use of chain link fences for security of equipment is ~~permitted~~allowed if the fence is fully screened by landscaping. No razor wire or barbed wire is ~~permitted~~allowed. Slats do not satisfy the requirement for screening.
- Qp. Site lighting shall be kept to a minimum ~~in every instance~~, shall be shielded to direct the light downward, shall be controlled by a manual switch or timed switch of no greater than one hour's duration and shall not be used except when nighttime maintenance is necessary. However, a wireless facility that is designed as a flag pole and which flies a United States or California flag may be exempt from this subsection if the proposed lighting conforms to Sections 51.202(b) and 51.207(e) of the County Code.
- Rg. No wireless facility sited~~shall be located~~ on a ridgeline or hilltop ~~shall be approved unless~~ the facility blends with the surrounding existing and man-made environment to the maximum extent possible and a finding is made that no other location is feasible.

**Section 11.** Section 6988 of the Zoning Ordinance is amended to read as follows:

6988            MAINTENANCE

- Aa. All graffiti on any components of the wireless facility shall be removed promptly in accordance with County regulations. Graffiti on any facility in the public right-of-way ~~must~~shall be removed within ~~48~~72 hours of notification.

- ~~Bb.~~ All landscaping shall be maintained at all times and shall be promptly replaced if not successful.
- ~~Cc.~~ If a flagpole is used for camouflaging a facility, flags must be flown and must be properly maintained at all times.
- ~~Dd.~~ All wireless telecommunications facility sites shall be kept clean and free of litter.
- ~~Ee.~~ All equipment ~~cabinets~~enclosures shall display a legible operator's contact number for reporting maintenance problems.

**Section 12.** Section 6989 of the Zoning Ordinance is amended to read as follows:

6989 ABANDONMENT OR DISCONTINUATION OF USE

- ~~Aa.~~ All ~~operators~~ service provider who intends to abandon or discontinue the use of any wireless telecommunications facility shall notify the County and property owner in writing of such intentions no less than 60 days prior to the final day of use.
- ~~Bb.~~ A wireless telecommunications facility with use discontinued that is no longer used shall be considered abandoned 90 days following the final day of use.
- ~~Cc.~~ All ~~an~~ abandoned wireless facilities shall be physically completely removed from the site by the facility owner/service provider no more than 90 days following the final day of use or of determination that the facility has been abandoned, whichever occurs first.
- ~~Dd.~~ The County ~~reserves the right to~~may remove any abandoned wireless facilities that are ~~abandoned for more than 90 days~~ at the expense of the facility owner/service provider.
- ~~Ee.~~ The service provider of a wireless facility that has beenAny abandoned shall promptly restore the site shall be restored to its natural or former condition. Grading and landscaping in good condition may remain.

**Section 13.** Section 6990 of the Zoning Ordinance is amended to read as follows:

6990 REVOCATION

Failure to comply with any condition of approval or ~~standard~~any applicable requirement in ~~this~~ these Wireless Telecommunications Facilities regulations/ordinance shall constitute grounds for ~~possible~~ revocation of use pursuant to Sections 71742, 7380 and/or 7382 of the Zoning Ordinance.

**Section 14.** Section 6991 of the Zoning Ordinance is amended to read as follows:

6991 AMORTIZATION OF HIGH VISIBILITY WIRELESS TELECOMMUNICATIONS FACILITIES IN RESIDENTIAL AND RURAL ZONES

Notwithstanding any other sections regulating wireless telecommunications facilities, all facilities approved prior to the effective date of this ordinance (May 30, 2003), defined as "high visibility" by this ordinance, and located in a Residential or Rural Zone shall be brought into conformance with this ordinance under the following amortization schedule by May 30, 2018. ~~The time allowed shall be measured from the effective date of this ordinance.~~ The Director may extend the amortization period upon a showing of economic hardship to the owner.

| <del>Fair Market Value on Effective Date</del> | <del>Minimum Years Allowed</del> |
|--|----------------------------------|
| <del>Under \$10,000.....</del>                 | <del>6</del>                     |
| <del>\$10,000 – \$500,000.....</del>           | <del>10</del>                    |
| <del>Over \$500,000.....</del>                 | <del>15</del>                    |

**Section 15.** Effective Date. This Ordinance shall take effect and be in force 30 days after the date of its passage, and before the expiration of 15 days after its passage, a summary shall be published once with the names of the members voting for and against the same in the Daily Commerce, a newspaper of general circulation published in the County of San Diego.